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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,666

02/20/2004

Jan Kall

59643.00379

5521

32294

7590

09/11/2006

EXAMINER

ADDY, ANTHONY S

SQUIRE, SANDERS & DEMPSEY L.L.P.

14TH FLOOR

8000 TOWERS CRESCENT

TYSONS CORNER, VA 22182

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/781,666	KALL ET AL.	
	Examiner	Art Unit	
	Anthony S. Addy	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15 and 17-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 17, 2006 has been entered. New **claims 29-33** has been added and **claims 1-3, 5-15** and **17-33** are now pending in the present application.

Response to Arguments

2. Applicant's arguments filed on August 17, 2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that, "none of the cited prior art references teach, show, or even suggest defining restriction information associated with terminating parties to include a restriction level for sending the message to the at least one terminating party, wherein the terminating parties are classified into a plurality of restriction levels, and further controlling sending of a message based on the restriction information (see page 10, second paragraph of the response)," examiner respectfully disagrees and notes that Molnar meets the limitations as claimed, since Molnar teaches, that subscriber-address based restriction for a terminating mobile can include such groups as all subscribers of an operator, or all subscribers having a specific type

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of subscription like being private subscribers, being employees of a (specific) company or all being members of a family, which clearly constitute different levels of restriction (see p. 2 [0026-0027], p. 3 [0041 & 0047-0050] of Molnar); and controlling sending of the message based on the restriction information (see p. 1 [0012-0013], p. 3 [0050] and Fig. 2; shows a preventing means 29 for preventing the transmission of a message to an unallowed address defined in record 28 (restriction information) [i.e. the preventing means reads on a controlling means configured to control sending of the message based on the restriction information]).

Claim Objections

3. **Claims 1 and 33** are objected to because of the following informalities:
- a) On line 8, of **claim 1**, replace "restrictions levels" with -- restriction levels --
 - b) On line 4, of **claim 33**, replace "at lest one" with -- at least one --
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-2, 7-8, 12-14, 19-20, 29-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)**.

Regarding claims 1, 12, 13, 29 and 33, Molnar discloses a method for controlling sending of messages in a communication system (see abstract, p. 2 [0023-0024] and Fig. 1; shows a communication network for controlling sending of messages [i.e. reads on a communication system]), the method comprising: providing a network entity with restriction information associated with terminating parties in the communication system (see p. 2 [0025-0026], p. 3 [0040-0041 & 0046] and Fig. 1; shows a visited mobile switching center 11 (VMSC) and interworking mobile switching center 15 (IWMSC) [i.e. VMSC 11 and IWMSC 15 reads on a network entity configured to receive and manage restriction information associated with terminating parties, since Molnar teaches the record of information about unwanted addresses which reads on a "restriction information" are defined and stored in the VMSC 11 and the IWMSC 15]); determining at least one terminating party for a message to be sent (see p. 3 [0047-0050] and Fig. 2; shows an analyzing means 27 for analyzing said record whether an address is unallowed [i.e. the analyzing means 27 reads on a determining means configured to determine at least one terminating party (i.e. an address of an allowed or unallowed message recipient) for a message to be sent]); defining the restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party wherein the terminating parties are classified into a plurality of restrictions levels (see p. 2 [0026-0027], p. 3 [0041 & 0047-0050] [i.e. the limitation of "defining the restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party wherein the terminating parties are classified into a plurality of

restrictions levels" is met by the teaching of Molnar that subscriber-address based restriction for a terminating mobile can include such groups as all subscribers of an operator, or all subscribers having a specific type of subscription like being private subscribers, being employees of a (specific) company or all being members of a family, constitute different levels of restriction)); and controlling sending of the message based on the restriction information (see p. 1 [0012-0013], p. 3 [0050] and Fig. 2; shows a preventing means 29 for preventing the transmission of a message to an unallowed address defined in record 28 (restriction information) [i.e. the preventing means reads on a controlling means configured to control sending of the message based on the restriction information]).

Regarding claims 2, 14 and 30, Molnar teaches all the limitations of claims 1, 13 and 29. In addition, Molnar teaches wherein the controlling step comprises deciding if the sending of the message is allowed or denied (see p. 2 [0024 & 0026] and p. 3 [0049]).

Regarding claims 7 and 19, Molnar teaches all the limitations of claims 1 and 13. In addition, Molnar teaches a system and method, further comprising defining the restriction level in function of a type of the at least one terminating party (see p. 3 [0041]).

Regarding claims 8 and 20, Molnar teaches all the limitations of claims 1 and 13. In addition, Molnar teaches a system and method, wherein defining the restriction level comprises classifying the terminating party as private, confidential or public (see p. 3 [0041]).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 5, 6, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as applied to claims 1 and 13 above, and further in view of **Turcotte et al., U.S. Patent Number 5,678,179 (hereinafter Turcotte)**.

Regarding claims 5 and 17, Molnar teaches all the limitations of claims 1 and 13. Molnar fails to explicitly teach a system and method, further comprising defining the restriction level in function of a type of the message.

In an analogous field of endeavor, Turcotte teaches a message transmission system and method for a radio communication system, further comprising defining the restriction level in function of a type of the message (see col. 5, lines 23-63 and Table 1 & Table 2).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the teachings of Turcotte, in order to classify messages by appending privacy and urgency indicators to segregate the messages in a hierarchical manner as taught by Turcotte (see abstract).

Regarding claims 6 and 18, Molnar in view of Turcotte teaches all the limitations of claims 5 and 17. Molnar further teaches a system and method, wherein defining the restriction level comprises classifying the message as private, confidential or public (see p. 3 [0041]).

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8. Claims 3, 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as applied to claims 2, 14 and 30 above, and further in view of **Allison et al., U.S. Publication Number 2003/0083078 A1 (hereinafter Allison)**.

Regarding claims 3, 15 and 31, Molnar teaches all the limitations of claims 2, 14 and 30. Molnar fails to explicitly teach a system and method, further comprising, when the sending of the message is denied, providing a warning message in response to a sending command.

In an analogous field of endeavor, Allison teaches a method and system for preventing delivery of unwanted short message service (SMS) messages, wherein, when an SMS message is discarded (i.e. not delivered to the intended addressee) due to the message not wanted by a called or receiving party, a SMS message is generated to notify the sending or calling party associated with the discarded message that delivery of the SMS message was unsuccessful (see p. 1 [0016]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the teachings of Allison to include a system and method, further comprising, when the sending of the message is denied, providing a warning message in response to a sending command, in order to notify the sending or calling party associated with the discarded message that delivery of the SMS message was unsuccessful as taught by Allison (see p. 1 [0016]).

9. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as

applied to claims 1 and 13 above, and further in view of **Ranjan, U.S. Publication Number 2004/0123097 A1 (hereinafter Allison)**.

Regarding claims 9 and 21, Molnar teaches all the limitations of claims 1 and 13. Molnar fails to explicitly teach a system and method, further comprising defining the restriction level for a receiver group address in function of an estimated amount of terminating parties.

In an analogous field of endeavor, Ranjan teaches a system and method, further comprising defining the restriction level for a receiver group address in function of an estimated amount of terminating parties (see p. 4 [0043]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the teachings of Ranjan, in order to limit the distribution of a message to certain types of receivers or certain maximum number of receivers as taught by Ranjan (see p. 4 [0043]).

10. Claims 10, 11, 22-26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as applied to claims 2, 13, 14 and 29 above, and further in view of **Dickinson, III et al., U.S. Publication Number 2003/0196098 A1 (hereinafter Dickinson)**.

Regarding claims 10, 11, 22, 23, 24 and 32, Molnar teaches all the limitations of claims 2, 13, 14 and 29. Molnar fails to explicitly teach a system and method, further comprising, when the sending of the message is denied, determining an action to be

taken in relation to the message to modify the message by removing a selected type of attachment file into a form in which the sending is allowed.

In an analogous field of endeavor, Dickinson teaches a similar method and system, further comprising, when the sending of the message is denied, modifying the message by removing a selected type of attachment file before allowing the sending of the message (see p. 3 [0025]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the teachings of Dickinson, to include a system and method, further comprising, when the sending of the message is denied, determining an action to be taken in relation to the message to modify the message by removing a selected type of attachment file into a form in which the sending is allowed, in order to prevent virus programs from affecting an intended message recipients computer as taught by Dickinson.

Regarding claims 25 and 26, Molnar teaches all the limitations of claim 13. Molnar fails to explicitly teach a system and method, wherein the network entity is selected from a group comprising at least one of a user equipment, a serving controller, an application server and a subscriber information register.

In an analogous field of endeavor, Dickinson teaches a similar method and system, further comprising, wherein the network entity is selected from a group comprising at least one of a user equipment, a serving controller, an application server and a subscriber information register and comprises an email server (see p. 5 [0034]), the controlling means comprises a domain checking function block connected or

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included in the email server (see p. 1 [0009]), and the terminating party comprises an email client of a receiver (see p. 5 [0039]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the teachings of Dickinson, to include a system and method, wherein the network entity comprises an email server, the controlling means comprises a domain checking function block connected or included in the email server, and the terminating party comprises an email client of a receiver, in order to transfer secure email messages as taught by Dickinson (see p. 1 [0009-0010]).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as applied to claim 13 above, and further in view of **Moles, U.S. Publication Number 2004/0203947 A1 (hereinafter Moles)**.

Regarding claim 27, Molnar teaches all the limitations of claim 13. Molnar fails to explicitly teach a system, wherein the network entity comprises a serving controller in an Internet Protocol Multimedia subsystem, the controlling means is included in an application server communicating with the serving controller, and the terminating party comprises a user equipment connected to the Internet Protocol Multimedia subsystem.

In an analogous field of endeavor, Moles teaches a similar communication system, wherein the network entity comprises a serving controller in an Internet Protocol Multimedia subsystem (see p. 3 [0037]), the controlling means is included in an application server communicating with the serving controller (see p. 3 [0037] and p. 4

[0051]), and the terminating party comprises a user equipment connected to the Internet Protocol Multimedia subsystem (see p. 4 [0048]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the system of Moles, wherein the network entity comprises a serving controller in an Internet Protocol Multimedia subsystem, the controlling means is included in an application server communicating with the serving controller, and the terminating party comprises a user equipment connected to the Internet Protocol Multimedia subsystem, in order to transmit email messages as per the teachings of Moles (see p. 3 [0037] and p. 4 [0047-0051]).

12. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Molnar et al., U.S. Publication Number 2002/0168978 A1 (hereinafter Molnar)** as applied to claim 13 above, and further in view of **Sivula, U.S. Publication Number 2001/0053687 A1 (hereinafter Sivula)**.

Regarding claim 28, Molnar teaches all the limitations of claim 13. Molnar fails to explicitly teach a system, wherein the network entity comprises a multimedia message service server, the controlling means is included in an application server communicating with the multimedia message service server and the terminating party comprises a multimedia message service user agent of a receiver.

In an analogous field of endeavor, Sivula teaches a similar communication system, wherein the network entity comprises a multimedia message service server (see p. 5 [0049]), the controlling means is included in an application server

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communicating with the multimedia message service server (see p. 5 [0046]) and the terminating party comprises a multimedia message service user agent of a receiver (see p. 3 [0033] and p. 6 [0053]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Molnar with the system of Sivula, wherein the network entity comprises a multimedia message service server, the controlling means is included in an application server communicating with the multimedia message service server and the terminating party comprises a multimedia message service user agent of a receiver, in order to send multimedia messages to devices that support them as per the teachings of Sivula (see p. 3 [0033], p. 5 [0046 & 0049] and p. 6 [0053]).

Conclusion

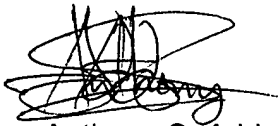
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Anthony S. Addy
August 31, 2006



DUC NGUYEN
PRIMARY EXAMINER